

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raymond T. Bartus and Dwaine f. Emerich

Continuation of Application No.: 10/441,968

Group Art Unit: 1616

Filed: May 20, 2003

Examiner: Not Assigned

Title: PULMONARY DELIVERY IN TREATING DISORDERS OF THE CENTRAL NERVOUS SYSTEM

Date: <u>1/21/2004</u> Express Mail Label No.: <u>EV 373377290 US</u>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
☐ a Statement under 37 CFR 1.97(e), as checked below, or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
☐ a Statement under 37 CFR 1.97(e), as checked below, and
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper. (Filed after payment of issue fee)

Statement Under 37 CFR 1.97(c)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

(Applies to original applications (other than design) filed on or after May 29, 2000)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in -§ 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☐ Copies of the cited references are enclosed.
 - ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. 10/441,968 and 09/877,734, to which priority under 35 U.S.C. 120 is claimed. The earlier applications contains copies of the cited references.
 - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

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The Examiner is requested to return a copy of the list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account ☐ in the amount of [\$]. A copy of this Statement is enclosed.
- ☐ Please charge any deficiency in fees and credit any overpayment to Deposit Account 502807.

Respectfully submitted,

ELMORE CRAIG, P.C.

By 

Carolyn S. Elmore

Registration No.: 37,567

Telephone: (978) 251-3509

Facsimile: (978) 251-3973

Chelmsford, MA 01863

Dated: *1/21/04*

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION January 14, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2685.1009-US3		Continuation of APPLICATION NO. 10/441,968	
	APPLICANT Raymond T. Bartus, et al.			
	FILING DATE	CONFIRMATION NO.	GROUP	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AA	4,814,161	21-Mar-89	Jinks, <i>et al.</i>
	AB	4,895,719	23-Jan-90	Radhakrishnan, <i>et al.</i>
	AC	5,118,494	02-Jun-92	Schultz, <i>et al.</i>
	AD	5,166,202	24-Nov-92	Schweizer
	AE	5,284,133	08-Feb-94	Burns, <i>et al.</i>
	AF	5,457,100	10-Oct-95	Daniel
	AG	5,510,350	23-Apr-96	Oxford, <i>et al.</i>
	AH	5,756,071	26-May-98	Mattern, <i>et al.</i>
	AI	5,855,913	05-Jan-99	Hanes, <i>et al.</i>
	AJ	5,874,064	23-Feb-99	Edwards, <i>et al.</i>
	AK	5,875,776	02-Mar-99	Vaghefi
	AA2	5,981,474	09-Nov-99	Manning, <i>et al.</i>
	AB2	5,985,309	16-Nov-99	Edwards, <i>et al.</i>
	AC2	6,048,857	11-Apr-00	Ellinwood, Jr., <i>et al.</i>
	AD2	6,136,295	24-Oct-00	Edwards, <i>et al.</i>
	AE2	5,654,007	05-Aug-97	Johnson <i>et al.</i>
	AF2	5,922,354	13-Jul-1999	Johnson <i>et al.</i>
	AG2	6,019,968	01-Feb-00	Platz <i>et al.</i>
	AH2	6,103,270	15-Aug-00	Johnson <i>et al.</i>
	AI2	6,165,463	26-Dec-00	Platz <i>et al.</i>
	AJ2	5,354,885	11-Oct-94	Milman, <i>et al.</i>
	AK2	US 2002/0035993 A1	28-Mar-02	Edwards, <i>et al.</i>
	AA3			
	AB3			

EXAMINER	DATE CONSIDERED
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